

LAW OFFICE OF MARIO DEMARCO, PC
Mario DeMarco, Esq.
1 Gateway Plaza, 2nd Floor
Port Chester, New York 10573
Tel. No. 914-937-2213
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Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

-----X Civ. No. 10-5914
JACQUELINE L. AGUIRRE,

ANSWER

Plaintiff,

-against-

BEST CARE AGENCY, INC.,
DOROTHY DE CASTRO and
PERLITA JORDAN,

Defendants.

-----X

**Defendants, BEST CARE AGENCY, INC., DOROTHY DE CASTRO and
PERLITA JORDAN, by and through their attorney, MARIO DEMARCO, ESQ., as and for
their Answer to Plaintiff's Complaint dated December 16, 2010, respectfully alleges as follows:**

NATURE OF THE ACTION

1. Upon information and belief, Defendants deny the allegations of paragraphs "1"
through "10."

JURISDICTION AND VENUE

2. Upon information and belief, Defendants deny knowledge and information sufficient to form a belief as to the allegations as set forth in paragraph "11".
3. Upon information and belief, Defendants deny knowledge and information sufficient to form a belief as to the allegations as set forth in paragraph "12".
4. Defendants admit to the factual allegation as set forth in paragraph "13".
5. Upon information and belief, Defendants deny knowledge and information sufficient to form a belief as to the allegations as set forth in paragraph "14."

PARTIES

6. Upon information and belief, Defendants deny knowledge and information sufficient to form a belief as to the allegations as set forth in paragraph "15".
7. deny knowledge and information sufficient to form a belief as to the allegations as set forth in paragraph "16" through 23".

FACTUAL BASIS FOR CLAIMS

8. Upon information and belief, Defendants deny the factual allegations set forth in paragraphs "24" through "69" in their entirety.

FIRST CAUSE OF ACTION

**Trafficking Victims Protection Reauthorization Act, Forced Labor
(18 U.S.C. sec. 11589, 1595)**

9. Upon information and belief, Defendants deny the factual allegations set forth in paragraphs "70" through "78" in their entirety.

SECOND CAUSE OF ACTION

**Trafficking Victims Protections Reauthorization Act,
Trafficking into Involuntary Servitude or Forced Labor
(18 U.S.C. 1590, 1595)**

10. Upon information and belief, Defendants deny the factual allegations set forth in paragraphs "79" through "85" in their entirety.

THIRD CAUSE OF ACTION

Fraudulent Inducement

11. Upon information and belief, Defendants deny the factual allegations set forth in paragraphs "86" through "98" in their entirety.

FOURTH CAUSE OF ACTION

Negligent Misrepresentation

12. Upon information and belief, Defendants deny the factual allegations set forth in paragraphs "99" through "105" in their entirety.

FIFTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

13. Upon information and belief, Defendants deny the factual allegations set forth in paragraphs "106" through "111" in their entirety.

SIXTH CAUSE OF ACTION

Quantum Meruit

14. Upon information and belief, Defendants deny the factual allegations set forth in paragraphs "112" through "114" in their entirety.

SEVENTH CAUSE OF ACTION

Unjust Enrichment

15. Upon information and belief, Defendants deny the factual allegations set forth in paragraphs "115" through "117" in their entirety.

EIGHT CAUSE OF ACTION

Conspiracy

16. Upon information and belief, Defendants deny the factual allegations set forth in paragraphs "118" through "121" in their entirety.

AFFIRMATIVE DEFENSES

AS AND FOR THE FIRST AFFIRMATIVE DEFENSE

17. Plaintiffs lack proper standing to maintain the instant lawsuit.

AS AND FOR THE SECOND AFFIRMATIVE DEFENSE

18. Plaintiff is barred by the applicable statute of limitations.

AS AND FOR THE THIRD AFFIRMATIVE DEFENSE

19. The injuries and damages allegedly sustained by the plaintiff were not caused by any negligence, carelessness, culpable conduct or breach of duty on the part of these answering defendants, their servants, agents or employees, but were caused by reason of the carelessness, negligence, culpable conduct and/or breach of duty of the plaintiff.

AS AND FOR THE FOURTH AFFIRMATIVE DEFENSE

20. Plaintiffs' Complaint has failed to state a claim upon which relief can be granted.

WHEREFORE, the Defendants, Best Care Agency, Inc., Dorothy De Castro and Perlita Jordan, pray that the Plaintiffs' Complaint be dismissed in its entirety, with prejudice, as to Best Care Agency, Inc., Dorothy De Castro and Perlita Jordan, along with such additional and further relief deemed appropriate by this Court.

Dated: January 10, 2011
Port Chester, New York

LAW OFFICE OF MARIO DEMARCO, P.C.

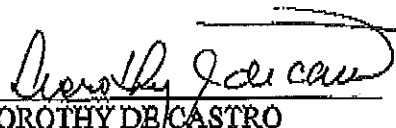
/s/Mario DeMarco, Esq.
By: Mario DeMarco, Esq.
Attorney for Defendants
Best Care Agency, Inc., Dorothy De Castro and
Perlita Jordan
1 Gateway Plaza, 2nd Floor
Port Chester, New York 10573
Tel.: 914-937-2213

To: Law Office of Felix Q. Vinluan
Felix Q. Vinluan, Esq.
450 Seventh Avenue, Suite 931
New York, New York 10123
Tel. No. 1-212-643-2692
Fax. No. 1-212-643-3494

VERIFICATION

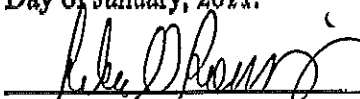
STATE OF NEW YORK)
COUNTY OF QUEENS)

I, **DOROTHY DE CASTRO**, of legal age and a resident of the state of New York, after having been sworn in the accordance with law, hereby state that I am a defendant in the within action. I have read the foregoing complaint and know the contents thereof. The contents are true to my knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

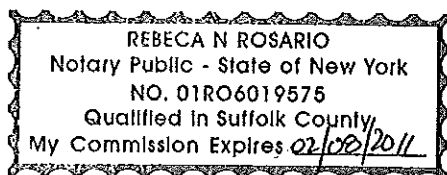


DOROTHY DE CASTRO

Sworn to before me this 10th
Day of January, 2011.



Notary Public



VERIFICATION

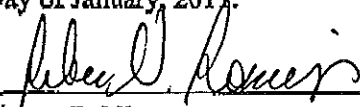
STATE OF NEW YORK)
COUNTY OF QUEENS)

I, **PERLITA JORDAN**, of legal age and a resident of the state of New York, after having been sworn in the accordance with law, hereby state that I am a defendant in the within action. I have read the foregoing complaint and know the contents thereof. The contents are true to my knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

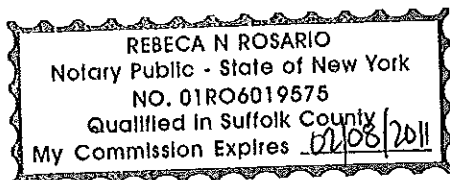


PERLITA JORDAN

Sworn to before me this 10th
Day of January, 2011.



Notary Public



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FOR THE EASTERN DISTRICT OF NEW YORK**

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JACQUELINE L. AGUIRRE,

Civ. No. 10-5914

Plaintiff,

AFFIDAVIT OF SERVICE

-against-

BEST CARE AGENCY, INC.,
DOROTHY DE CASTRO and
PERLITA JORDAN,

Defendants.

-----X
STATE OF NEW YORK
COUNTY OF WESTCHESTER ss:

I, Michelle M. DeGiorgio, Esq. being duly sworn,
deposes and says:

I am over 18 years of age and not a party to this action. On January 11, 2011, I served an Answer upon Law Office of Felix Q. Vinluan, the attorneys for the Plaintiff in this proceeding, by mailing a true copy of the attached papers, enclosed and properly sealed in a postpaid envelope, which I deposited in an official depository under the exclusive care and custody of the United States Postal Services within the State of New York addressed to Fitzgerald & Fitzgerald, P.C. at 538 Riverhead Avenue, Yonkers, New York 10705.

Signature: Michelle DeGiorgio

Sworn to before me this 11th day of January, 2010

